

1 CYNDY DAY-WILSON (SBN 135045)  
cday-wilson@ci.eureka.ca.gov  
2 **CITY ATTORNEY, EUREKA**  
531 K Street  
3 Eureka, California 95551  
Telephone: (707) 441-4147  
4 Facsimile: (707) 441-4148

5 MICHAEL A. SWEET (SBN 184345)  
msweet@foxrothschild.com  
6 JACK PRAETZELLIS (SBN 267765)  
jpraetzellis@foxrothschild.com  
7 **FOX ROTHSCILD LLP**  
345 California Street, Suite 2200  
8 San Francisco, California 94104  
Telephone: (415) 364-5540  
9 Facsimile: (415) 391-4436

10 Attorneys for Trustee  
E. Lynn Schoenmann  
11

12 UNITED STATES BANKRUPTCY COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SANTA ROSA DIVISION

15 In re:

16 FLOYD E. SQUIRES III AND  
BETTY J. SQUIRES,

17 Debtors.  
18  
19  
20  
21

CASE No. 17-10828 WJL 11

Chapter 11

**CITY OF EUREKA'S SECOND RE-  
QUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF MOTION TO APPOINT  
CHAPTER 11 TRUSTEE AND CON-  
CURRENT WITHDRAWAL OF DEC-  
LARATION OF CYNDY DAY-WILSON  
IN SUPPORT OF MOTION TO APPOINT  
CHAPTER 11 TRUSTEE [Dkt. No. 61]**

Date: March 26, 2018  
Time: 9:00 a.m.  
Place: 3140 Boeing Ave.  
McKinleyville, CA

Judge: Hon. William Lafferty

25 The City of Eureka (City) submits this request for judicial notice of the evidence previously  
26 submitted via the Declaration of Cyndy Day-Wilson (the "City Attorney Declaration") [Dkt. No.  
27 61]. Debtors' counsel sought to take the deposition of the City Attorney on the basis that the City.  
28

1 Attorney submitted the City Attorney Declaration – consisting entirely of facts subject to judicial  
2 notice. In order to avoid a discovery dispute, the City withdraws the City Attorney Declaration and  
3 submits this request for judicial notice in its place.

4 Attached as collective **Exhibit U** to City of Eureka’s Motion to Appoint a Chapter 11 Trustee  
5 (“Appendix”) [Dkt. No. 66-31 through 6-33] are twenty small claims judgments entered against  
6 Debtors exceeding \$70,000.

7 Collective Exhibit U contains the following statements:

8 Substantial, credible evidence was submitted that supports that 1625/1635 were nui-  
9 sances. That evidence included evidence regarding: drug sales; drug usage; drug  
10 raids; excessive garbage and litter on and about the properties; abandoned, dilapidated  
11 vehicles; people working on cars late at night causing excessive noise; fire hazards  
12 described by City officials as an imminent threat of fire causing legitimate fear to the  
13 neighbors; fighting; gunshots and shootings; yelling; swearing; violence; dilapidated  
14 exterior including lack of paint and broken and missing windows described by wit-  
15 nesses, including City officials as squalor, blight, urban slum, egregious violations,  
16 ugly, significant blight on the neighborhood and very rundown; excessive police  
emergency responses at all hours of the day and night; loud music; people sleeping in  
and living in cars; dogs left in vehicles for excessive periods of time—up to 7 dogs at  
one time—with excessive barking; needles in and around property; condoms in and  
around property; theft in the neighborhood; trespassing in the neighborhood; structure  
and vehicle break-ins; dumpster diving; bizarre behavior; neighbors hassled by people  
going to or coming from 1625/1635; vandalism.

17 [Collective Exhibit U at 5:10-6:18]

18 Based on the totality of the evidence, including the above-listed items, **I find that the**  
19 **properties at 1625/1635 were negligently operated, managed, and maintained** by  
defendants and constituted a nuisance.

20 [Collective Exhibit U at 7:1-3 (emphasis added).]

21 Defendants submitted testimony and evidence that they have put significant effort in-  
22 to maintaining the properties and controlling the numerous issues with the properties.  
**I find that these efforts were inadequate and/or short-lived.**

23 [Collective Exhibit U at 6:19-22 (emphasis added).]

24 Collective Exhibit U is subject to judicial notice because it is a fact that can be ac-  
25 curately and readily determined from sources whose accuracy cannot reasonably be ques-  
26 tioned. Fed. R. Evid. 201(a)(2); *Disabled Rights Action Committee v. Las Vegas Events,*  
27 *Inc.*, 375 F.3d 861, 883 (9th Cir. 2004) (“undisputed matters of public record” are subject  
28 to judicial notice).

Attached as collective **Exhibit V** [66-38 through 66-39] to the Appendix, are rec-

ords reflect in the property tax defaults for the property of the estate summarized in the chart below as of October 2017.

Address	Assessor Parcel Number	Default Balance
609 Summer Street	001-042-012-000	\$14,030.04
119 West 6th Street; 607 Summer Street	001-042-013-000	\$28,069.50
202 3rd Street; 315 C Street	001-066-001-000	\$146,186.71
216 3rd Street	001-066-002-000	\$53,928.74
218 3rd Street	001-066-003-000	\$5,818.34
205 4th Street; 317 C Street; 325 C Street	001-066-007-000	\$29,691.38
117-119 5th Street	001-071-004-000	\$547,641.49
211-219 5th Street	001-103-004-000	\$54,005.16
1637 3rd Street	002-063-005-000	\$21,613.62
2325 2nd Street	002-123-004-000	\$5,263.66
1410 Union Street	004-033-003-000	\$0.00
1233 A Street	004-112-008-000	\$0.00
241 Wabash Avenue	004-196-007-000	\$15,795.15
1803 C Street	004-203-001-000	\$147,779.54
833 H Street	005-012-005-000	\$0.00
705 15th Street	005-042-008-000	\$0.00
1623 G Street, 1625 G Street	005-053-006-000	\$29,767.16
1635 G Street	005-053-007-000	\$0.00
1925 H Street	005-075-009-000	\$1,197.90
1429 and 1429 IA Sunny Avenue	006-191-015-000	\$365,811.82
2245 Broadway	008-011-007-000	\$92,083.11
2235 Broadway	008-011-010-000	\$125,388.69
204 West Hawthorne Street	009-122-005-000	\$20,131.97
2941 California Street, 2969 California	010-061-010-000	\$0.00
2927 California Street	010-061-011-000	\$13,154.01
2535 L Street	011-153-005-000	\$1,290.89
2445 Russ Street	013-171-010-000	\$0.00
<b>TOTAL</b>		<b>\$1,718,648.88</b>

The information underlying collective Exhibit V is available at <https://humboldt.gov/260/Treasurer---Tax-Collector/>. Collective Exhibit V is subject to judicial notice because it is a fact that can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(a)(2); *Disabled Rights Action Committee v. Las Vegas Events, Inc.*, 375 F.3d 861, 883 (9th Cir. 2004) (“undisputed matters of public record” are subject to judicial notice).

Attached as collective **Exhibit W** to Appendix of Exhibits [Dkt. No. 66-39 at 28-39] are abstracts of judgement recorded against Debtors on the following dates in the following amounts:

Date	Amount
November 18, 2015	\$8,955.78
November 18, 2015	\$26,512.25
November 18, 2015	\$154,482.45
November 18, 2015	\$53,374.28

Collective Exhibit W is subject to judicial notice because it is a fact that can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(a)(2); *Disabled Rights Action Committee v. Las Vegas Events, Inc.*, 375 F.3d 861, 883 (9th Cir. 2004) (“undisputed matters of public record” are subject to judicial notice).

Attached as **Exhibit AA** [Dkt. No. 66-40] to the Appendix is an Agenda Summary for the Eureka City Counsel titled “Placement of special assessments for unpaid fines, fees, and abatement charges.” Exhibit AA assess special assessments and liens against the Debtors’ property in the following amounts:

Ac-count #	Name	Property Address	APN	Abatement Charges	Adminis-trative Fines	VB Mon-itoring	Interest	Penalties	Pro-cessing Fee	Total
12-263	Squires Family Trust	833 H	005-012-005		\$9,800.00		\$186.60	\$2,215.00	\$15.00	\$12,216.60
12-264	Floyd and Betty Squires	815 H	005-012-001	\$132,245.32	\$29,400.00	\$600.00	\$1,178.50	\$12,075.00	\$15.00	\$175,513.82
12-279	Floyd and Betty Squires	2245 Broadway	008-011-007	\$120,442.18	\$30,600.00	\$600.00	\$1,802.12	\$12,670.00	\$15.00	\$166,129.30
12-305	Floyd and Betty Squires	216 3 <sup>rd</sup>	001-066-002	\$31,778.40	\$9,800.00		\$656.69	\$12,655.00	\$15.00	\$54,905.09
12-306	Floyd Squires	2969 California	010-061-010		\$9,800.00		\$535.72	\$6,815.00	\$15.00	\$17,165.72
12-373	Floyd and Betty Squires	1635 G	005-053-007	\$14,597.69	\$26,600.00	\$400.00	\$1,581.58	\$12,500.00	\$15.00	\$55,694.27
12-381	Floyd Squires	609 Sum-mer	001-042-012		\$3,150.00		\$122.61	\$2,285.00	\$15.00	\$5,572.61
12-034	Floyd Squires	1429 Sunny	009-191-015		\$16,155.00		\$4,525.73	\$9,675.00	\$15.00	\$30,370.73
								<b>TOTAL</b>		<b>\$830,447.36</b>

1 Collective Exhibit AA is subject to judicial notice because it is a fact that can be  
2 accurately and readily determined from sources whose accuracy cannot reasonably be  
3 questioned. Fed. R. Evid. 201(a)(2); *Disabled Rights Action Committee v. Las Vegas*  
4 *Events, Inc.*, 375 F.3d 861, 883 (9th Cir. 2004) (“undisputed matters of public record” are  
5 subject to judicial notice).

6 Dated: February 16, 2018

7 FOX ROTHSCHILD LLP

8  
9 By /s/ Michael A. Sweet  
10 Michael A. Sweet  
11 Attorneys for Creditor and Real Party in Interest  
12 City of Eureka  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28